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**From:** CN=Erin Foresman/OU=R9/O=USEPA/C=US  
**Sent:** Wed 10/24/2012 4:03:40 PM  
**Subject:** Fw: BDCP: Overall Project Purpose for CM1 (UNCLASSIFIED)  
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Do you have time to discuss this today?

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I work a part time schedule (M 7:30a - 4:00p, T - F 7:30 - 2:00p)

----- Forwarded by Erin Foresman/R9/USEPA/US on 10/24/2012 08:58 AM -----

**From:** "Jewell, Michael S SPK" <Michael.S.Jewell@usace.army.mil>  
**To:** Erin Foresman/R9/USEPA/US@EPA,  
**Cc:** "Nepstad, Michael G SPK" <Michael.G.Nepstad@usace.army.mil>  
**Date:** 10/23/2012 03:40 PM  
**Subject:** BDCP: Overall Project Purpose for CM1 (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

Erin:

Thanks for talking with me yesterday. As I explained, DWR will take a "tiered" approach to evaluating alternatives for CM1. The EIS will analyze a reasonable range of NEPA alternatives at a fairly broad level (akin to evaluating different corridors for a highway project). The EIS will not include a 404 overall project purpose statement for CM1 nor will it attempt to "merge" NEPA/404. We will however stay engaged and communicate our perspective on the alternatives, as well as other concerns. When the FEIS is issued, DWR will chose a NEPA alternative that meets their needs and, in their opinion, has the least environmental impact. Assuming we concur the selected alternative would have the fewest impacts on the aquatic environment (considering all environmental factors), the Corps would send a letter (or otherwise document) at that time indicating we agree the selected "tier 1" alternative for CM1 is likely to yield the LEDPA.

After the BDCP has been approved by USFWS and NMFS, DWR would apply for a permit from the Corps to construct CM1. The application would include the overall project purpose statement in addition to other materials required for a complete permit application. During the review process, the Corps would complete a 404(b)(1) analysis, limiting the evaluation of practicable alternatives to those within the footprint of the NEPA alternative selected in the first tier (akin to evaluating different alignments within the selected corridor for a highway project). The Corps will be looking for maximum avoidance and minimization during the review, ultimately arriving at a LEDPA in our permit decision document for CM1.

At this time, based on the above, we are comfortable agreeing to the following language for the overall project purpose statement for CM1:

The overall purpose of the project is to construct and operate modifications and improvements to the State Water Project (SWP) facilities in the Delta, as set forth in the Water Operations and Conveyance Conservation Measure 1 component of the APPROVED Bay Delta Conservation Plan. The project includes the construction of new diversion facilities in the north Delta, the construction of new facilities to convey water from the new diversion facilities to the existing SWP water export facilities, and modifications to the operations of SWP. The project would align SWP water project operations in the Delta to better reflect seasonal flow patterns, reduce the usage of the existing SWP diversion facilities in the south Delta, and protect fish with state of the art fish screens.

“Approved” BDCP being the operable (and only changed) phrase. We are planning to send a letter by Friday to DWR responding to their July 27 letter stating we concur with the above, provided it is not included in the EIS (only with the permit application) and we have agreed the alternative selected in the first tier is likely to yield the LEDPA. In the letter, we will also describe our understanding of the tiered approach for evaluating alternatives and acknowledge that we may need to revisit the OPP if things change and/or we don’t agree with the alternative selected in the first tier.

Thanks. I hope this is helpful. Look forward to hearing back from you soon.

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